



## NOTICE OF LIMITATION OF USE

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### **FOR LWCF:**

The property identified in the attached general warranty deed has been acquired or developed with federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

### **FOR LPRF:**

*The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Local Parks and Recreation Fund (LPRF) pursuant to TCA 67-4-409. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation, the Commissioner of the Department of Agriculture, and the Executive Director of the Tennessee Wildlife Resources Agency.*

### **FOR NRTF:**

The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Natural Resources Trust Fund (NRTF) pursuant to TCA 11-14-304. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation.

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**FOR RTP:**

If the public property identified in the attached general warranty deed has been acquired or developed with federal Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21) Recreation Trails Program (RTP) assistance through the Federal Highway Administration (FHWA). In accordance with this act, the state may decide to protect this project under 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location. If a project is located on private lands that may include an easement or lease, the state requires a twenty-five year minimum commitment for public use.

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*Authorized Signature (usually Mayor or Co. Exec. or Agency Director if State or Federal Application)*

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*Printed Name and Title*

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*Applicant*

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*Address*

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*Phone Number*

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*Date*

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## ENVIRONMENTAL CLEARANCE

The potential environmental impact of proposed trail construction and rehabilitation is a serious concern. This grant-aid program requires that all recipients of funding comply with the conditions of the National Environmental Policy Act (NEPA) prior to and during construction activities.

Letters of clearance or compliance with Federal environmental laws must be obtained by the project applicant for each project and submitted with the project application by the application deadline. Letters must be obtained from each of the following three agencies:

**Tennessee Historical Commission**

ATTN: Mr. Herb Harper  
Clover Bottom Mansion  
2941 Lebanon Road  
Nashville, TN 37243-0442  
615/532-1559

**U.S. Fish & Wildlife Service**

ATTN: Dr. Lee Barclay  
446 Neal Street  
Cookeville, TN 38501  
931-528-6481

For Middle & East Tennessee:

**U.S. Army Corps of Engineers**

ATTN: Mr. Randy Castleman  
Regulatory Branch  
PO Box 1070  
Nashville, TN 37202  
615/736-5181

For West Tennessee:

**U.S. Army Corps of Engineers**

ATTN: Larry Watson  
Regulatory Function Branch  
167 N. Main St, B-202  
Memphis, TN 38103  
901/544-0736

In addition, a copy of a topographic quad map(s) clearly indicating the entire proposed route of the trail project or park boundary must be submitted with the application. If photocopied, be sure that the name/title of the quad map(s) is indicated.

If the proposed project in any way affects a watercourse, its 100-year floodplain or any lake, pond, reservoir, swamp, marsh, or wetland, the project applicant must secure a Section 404 permit from the U.S. Army Corps of Engineers (listed above). A state Aquatic Resource Alteration Permit (ARAP) from the Division of Water Pollution Control may also be required. For information on state permit requirements, contact the Department of Environment and Conservation at 1-888-891-TDEC.

It is the applicant's responsibility to secure any required environmental and/or construction permits (local, state or federal) prior to project construction. Separate documentation must be provided for EACH individual project site.

The new TDEC permit website address is: <http://www.state.tn.us/environment/permits/whoami.htm> This provides a list of permits required for specific development projects. Applicants should refer to this site when trying to determine if their proposed project will require an environmental STATE permit. Note: Federal and local permits may also be required. This site also provides information on how to apply for a permit.

Federal agencies only (U.S.F.S., TVA, NPS, and COE) may use a completed Environmental Impact Statement, EIS (including proposed development or land use plan) or conduct their own environmental review under NEPA requirements in lieu of this environmental clearance process.

## **List of Agencies**

For more information about using native plants, safety, building codes, underground storage tanks, etc., that concern your project, contact:

**Division of Archaeology**  
**5103 Edmondson Pike**  
**Nashville, TN 37211-5129**  
**Attention: Nick Fielder**

**Division of Natural Heritage**  
**14<sup>th</sup> Floor, L & C Tower**  
**401 Church Street**  
**Nashville, TN 37243**  
**Attention: Reggie Reeves**

**Tennessee Exotic Pest Control Council**  
**P.O. Box 40692**  
**Nashville, TN 37204**  
**615-646-5292**

**Southern Building Codes**  
**900 Montclair Road**  
**Birmingham, Alabama 35213**  
**1-800-877-2224**

**Life Safety Codes**  
**National Fire Protection Association**  
**617-770-3000, or, 1-800-344-3555**

**Handicapped Code**  
**Public Building Accessibility Act**  
**North Carolina Handicapped Code (TN adopted this)**  
**919-733-3901**

**Underground Storage Tanks**  
**4<sup>th</sup> Floor, L & C Tower**  
**401 Church Street**  
**Nashville, TN 37243-1541**  
**615-532-0945**

**Division of Superfund**  
**4<sup>th</sup> Floor, L & C Tower**  
**401 Church Street**  
**Nashville, TN 37243-1538**  
**615-532-0900**

## ENVIRONMENTAL SURVEY

This survey is a requirement for federally funded programs. Where adverse or negative impact is indicated, additional information will be required for mitigation. For projects selected for funding and submitted to FHWA, the Department of Environment and Conservation will verify the accuracy of this information and compliance with appropriate state and federal regulatory agencies to meet the requirements of the National Environmental Policy Act (NEPA). *[If the applicant is submitting more than one project, then this form should be duplicated and completed for each individual site separately.]*  
**Failure to provide complete and accurate information may result in rejection of the project.**

1. Project Name: \_\_\_\_\_

2. Land Use:

a) Please provide a detailed description of how the trail will be constructed, the design of the trail (include surface type, width, length), special features including any bridges, and proximity to environmental features (stream crossings, wetlands, forested areas, open field, etc.). Describe in detail the project area including topography, historic land usages, and unique geologic features. Attach a land use map of the area if available, and 1 USGS topographic map, with topographic map name, with legend, clearly showing project location and boundaries. The documents should be of sufficient size and clarity for adequate interpretation of applicant's intentions.

b) Is the project consistent with comprehensive land use, management or development plans for the area? \_\_\_\_Yes \_\_\_\_No \_\_\_\_Not Sure

Name of plan: \_\_\_\_\_

3. Natural Resources: Describe how the proposed project will impact the following?

- a) Soil Erosion or Sedimentation
- b) Vegetation (noxious weeds)
- c) Streams, Rivers or Lakes
- d) Wetlands
- e) Floodplains
- f) Farmlands
- g) National Natural Landmarks
- h) Endangered Plants and/or Animals
- i) Wildlife and/or Wildlife Habitat

4. Historic and Archaeological Resources:

a) Has the project been reviewed by the Tennessee Historic Commission?  
\_\_\_\_Yes \_\_\_\_No If yes, attach Commission comments

b) Will the project have an effect on historic or archaeological resources?

\_\_\_\_ **Yes**                      \_\_\_\_ **No**                      \_\_\_\_ **Not Sure**

5. Hazardous Wastes – Is there any potential for involvement with hazardous wastes or underground storage tanks?      \_\_\_\_ **Yes**                      \_\_\_\_ **No**                      \_\_\_\_ **Not Sure**

6. Noise – Is there potential for the project to have a noise impact on the surrounding land uses?      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

7. Air Quality – Will the project have an adverse impact on air quality?

\_\_\_\_ **Yes**                      \_\_\_\_ **No**      If yes, explain.

8. Is the project located on a publicly owned park, recreation area, historic site or wildlife and waterfowl refuge?      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

a) If yes, mark the appropriate box and name the facility.

\_\_\_\_ Park or \_\_\_\_ Recreation Area \_\_\_\_\_

\_\_\_\_ Historic Site \_\_\_\_\_

\_\_\_\_ Wildlife/Waterfowl Refuge \_\_\_\_\_

9. Permits Required:

Section 404 Permit - Wetland (Corps of Engineers)      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

Aquatic Resource Alteration Permit (TDEC)      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

Tennessee Valley Authority Section 26a Permit      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

Local Permits      \_\_\_\_ **Yes**                      \_\_\_\_ **No**

10. Describe methods to be employed to reduce adverse impacts from construction or use, such as noise, dust generation, soil erosion and siltation.

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### **TO BE COMPLETED BY PROJECT APPLICANT**

Any response that signifies impacts (significant or minimum) may require additional information. On additional pages provide information, as necessary, to access the potential impacts. Attach additional documentation if applicable.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Title of Preparer: \_\_\_\_\_

Signature of Preparer: \_\_\_\_\_

Signature: \_\_\_\_\_

(Applicant's Signature, usually Mayor or County Executive or Agency Director if State or Federal Application)

## **Recreation Trails Program ELIGIBLE PROJECT CATEGORIES**

The following list is the types of projects to be funded with the Recreation Trails Program. Check all categories the proposed trail qualifies for.

\_\_\_\_\_ **Non-routine maintenance of trails:** applicant must show how the proposed project is not needed due to a lack of on-going maintenance on the applicant's part. Non-routine maintenance must be a one-time project for major improvements.

\_\_\_\_\_ **Restoration of areas damaged by usage (erosion control, over-use, impacts by non-permitted trail users, etc.)**

\_\_\_\_\_ **Environmental mitigation/enhancement:** measures that provide design, reconstruction, non-routine maintenance, or relocation of trails in order to mitigate and minimize impact on the natural environment.

\_\_\_\_\_ **Development of trailhead and trailside facilities**

1. Drainage
2. Crossings
3. Stabilization
4. Parking
5. Signage
6. Controls
7. Shelters
8. Water and Sanitary Facilities
9. Accessibility Infrastructure

\_\_\_\_\_ **Acquisition of land** (must be a willing seller)

1. Fee Simple (preferred)
2. Easement (public use access)
3. Lease (minimum 25-year lease on public land.)

\_\_\_\_\_ **New trail construction**